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BEFORE THE ARIZONA CORPORATION COMMISSION
DOCKETED

CARL J. KUNASEK
CHAIRMAN

JIM IRVIN
CHAIRMAN

TONY WEST
COMMISSIONER

JUN 04 1999

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
RANDALL AND DEANNA BURTON DBA
DERAN VENDING FOR THE SALE OF ASSETS
AND CANCELLATION OF THE CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
PROVIDE CUSTOMER-OWNED PAY
TELEPHONE SERVICE IN THE STATE OF
ARIZONA.

DOCKET NO. T-03025A-99-0165

DECISION NO. 61749ORDER

Open Meeting
June 1 and 2, 1999
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. Randall and Deanna Burton dba DeRan Vending ("Applicant") is a partnership that has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona pursuant to Decision No. 59438 (December 20, 1995).

2. On March 19, 1999, Applicant submitted an application for approval of the sale of assets and cancellation of the Certificate. The application was docketed on March 24, 1999.

3. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

4. Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

5. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes rates and minimum service standards applicable to COPT service.

1 6. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT
2 Certificates without a hearing.

3 7. On April 13, 1999, the Commission's Utilities Division Staff ("Staff") filed a Staff
4 Report, recommending approval of the application to sell assets and cancel Applicant's Certificate
5 without a hearing.

6 8. According to Staff, Applicant indicated that its assets were in storage and it is
7 attempting to sell the assets.

8 9. It is in the public interest that if the assets are placed in service in the State of Arizona,
9 the entity providing COPT service is certificated.

10 10. Applicant should notify the purchasers of its assets of the Commission's jurisdiction
11 over COPT providers, and notify the Commission of the purchaser's identity.

12 CONCLUSIONS OF LAW

13 1. Applicant is a public service corporation within the meaning of Article XV of the
14 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

15 2. The Commission has jurisdiction over Applicant and the subject matter of the
16 application.

17 3. Authorization to sell assets and the cancellation of Applicant's Certificate is in the
18 public interest.

19 4. Staff's recommendation in Findings of Fact No. 7 should be adopted, in addition to
20 further Orders.

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ORDER

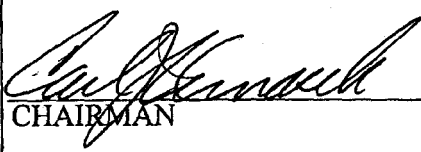
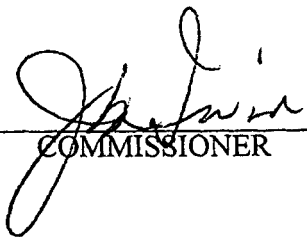

IT IS THEREFORE ORDERED that the application of Randall and Deanna Burton dba DeRan Vending for the sale of assets and the cancellation of its Certificate to provide customer-owned pay telephone service shall be approved.

IT IS FURTHER ORDERED that Randall and Deanna Burton dba DeRan Vending shall notify the purchaser of its assets of the Commission's jurisdiction over providers of customer-owned pay telephone service.

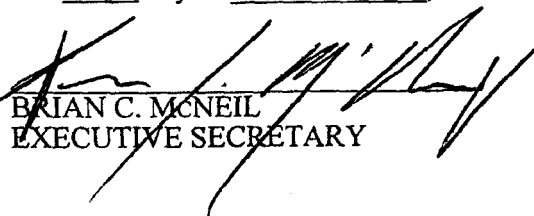
IT IS FURTHER ORDERED that within ten days of consummation of the sale of its assets, Randall and Deanna Burton dba DeRan shall file notification in this Docket of the identity of the asset purchaser.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

 CHAIRMAN
 COMMISSIONER
 COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 4th day of June, 1999.


BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
BMB:dap

1 SERVICE LIST FOR: RANDALL AND DEANNA BURTON dba DERAN
2 VENDING

3 DOCKET NO. T-03025A-99-0165

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5 Deanna Burton
6 DERAN VENDING
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